

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 4/17/2020**

THERIN B. MCKNIGHT,

Plaintiff,

v.

N.A.I.C.A.; GREG MOLY; and LUCY
SANCHEZ,

Defendants.

No. 19-CV-5271 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On September 24, 2019, Defendants filed a motion to dismiss Plaintiff's complaint. The Court granted Plaintiff two extensions to respond to the motion to dismiss. Dkt. 16, 18. On December 30, 2019, noting that it had yet to receive Plaintiff's response, the Court ordered that Plaintiff file either a response to the motion or a letter indicating that he does not intend to file one, in which case the Court will deem the motion fully briefed and take it under submission. Dkt. 19. On January 15, Plaintiff wrote to the Court, requesting a third extension, until February 5, 2020, to respond to the motion to dismiss. To date, however, the Court has not received Plaintiff's response.

Accordingly, **no later than May 8, 2020**, Plaintiff shall file a response to Defendants' motion or a letter indicating that he does not intend to file a response. If Plaintiff intends to pursue this action but not file a response, the Court will deem the motion fully briefed and take it under submission. *See McCall v. Pataki*, 232 F.3d 321, 322-23 (2d Cir. 2000). However, if Plaintiff does not respond to this Order, then the Court will dismiss this action for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). Defendants shall promptly mail Plaintiff a copy of this Order.

In light of the current global health crisis, Plaintiff must submit his filings by e-mail to Temporary_Pro_Se_Filing@nysd.uscourts.gov. Plaintiff is also encouraged to consent to receive all court documents electronically. A consent to electronic service form is attached to this Order, as well as available on the Southern District's website. This information is also available in the Court's Emergency Individual Rules & Practices In Light of COVID-19.

SO ORDERED.

Dated: April 17, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', with a long horizontal flourish extending to the right.

Ronnie Abrams
United States District Judge



**United States District Court
Southern District of New York
*Pro Se Office***

Pro Se (Nonprisoner) Consent & Registration Form to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one “free look” at the document by clicking on the hyperlinked document number in the e-mail. Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first “free look” or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the “free look” to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court’s Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your “free look” and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.²

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk’s Office at the Court.



**United States District Court
Southern District of New York
*Pro Se Office***

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Note: This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Name (Last, First, MI)

Address	City	State	Zip Code
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Telephone Number	E-mail Address
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Date	Signature
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Return completed form to:

Pro Se Office (Room 200)
500 Pearl Street
New York, NY 10007